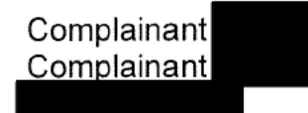
TABLE OF CONTENTS
IV 2306131

AUDIO/VIDEO TRACKING SHEET

PERSONNEL INVESTIGATION FORM

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS



Complainant [redacted]
Complainant [redacted]
[redacted]
Deputy Nicholas Tellez (ICIB)
Deputy Nicholas Tellez (IAB)

EXHIBITS

A. ICIB case book.

B. District Attorney Reject Letter.

C. 2 Audio CDs, 1 Video DVD.

D. Twin Towers Unit Order.

MISCELLANEOUS DOCUMENTS

Administrative Rights Form

Miscellaneous Documents

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CASE NUMBER: IV 2306131

SUBJECT: Tellez, Nicholas, Deputy, #[redacted]

STATION/UNIT/BUREAU: Twin Towers Correctional Facility/Custody Operations Division

DATE/TIME/DAY: Between September 2010 and January 2012

LOCATION: Twin Towers Correctional Facility
450 E. Bauchet Street, Los Angeles, CA 90012

ALLEGATIONS:

On July 26, 2012, Chief Alexander Yim requested an Internal Affairs Investigation of Deputy Nicholas Tellez, (herein referred to as Subject Tellez), for alleged fraternization with former inmates. The specific allegation is Subject Tellez engaged in a sexual relationship with an ex-inmate.

INVESTIGATIVE SUMMARY:

On January 26, 2012, Ms. [redacted], (**Complainant** [redacted], contacted Lieutenant David Bobo, #[redacted] at the Twin Towers Correctional Facility and filed a complaint against Subject Tellez. She alleged that while she was in custody at Twin Towers, Subject Tellez showed her his penis, and he asked her to show him her nude body. Complainant [redacted] stated that immediately after her release from custody, she contacted Subject Tellez by phone and they began a sexual relationship. Complainant [redacted] related she and Subject Tellez had exchanged phone numbers while she was still in custody at Twin Towers. She told Lieutenant Bobo that she became pregnant and gave birth to [redacted]. She stated when she told Subject Tellez she was pregnant and he was the father; he threatened her that if she didn't have an abortion, he would have the [redacted] taken away from her or have her arrested. Complainant [redacted] had given birth on [redacted] and Subject Tellez refused to sign the birth certificates. Custody of the [redacted] was taken away from her by the Department of Family Services (DCFS). Lieutenant Bobo along with Lieutenant Douglas Slaughter, #[redacted] went to Centinela Hospital in Inglewood to interview Complainant [redacted]

IAB Note: **Lieutenant Bobo and Slaughter videotaped their interview with complainant [redacted] A DVD copy of the interview is included in the IAB case book as Exhibit C. IAB Investigators had the interview transcribed and a copy of the verbatim interview is included in the IAB case book in the transcription section.**

During the interview, they were advised by a Medical Social Worker [redacted], **Exhibit A, page 21)**, that Subject Tellez had admitted to DCFS worker [redacted] that he might be the father of the [redacted] and he would take custody of [redacted] pending a DNA test.

IAB Note: **Subject Tellez did take custody of one of the [redacted] pending a DNA test. [redacted].**

Lieutenant Bobo summarized his interview with Complainant [redacted] in a memorandum, **(Exhibit A, page 18)**, to Captain Stover, and Subject Tellez was Relieved of Duty. A Criminal Investigation was initiated, and Sergeant Eric Castano #[redacted] from the Internal Criminal Investigation Bureau was assigned to Investigate the criminal allegation of Indecent Exposure, 314 (1) P.C., and Criminal Threats, 422 P.C.

During the ICIB investigation, Sergeant Castano located another former inmate who Subject Tellez had exchanged phone numbers with while she was in custody (herein referred to as **Complainant** [redacted]). Complainant [redacted] related to Sergeant Castano that while she was in custody at Twin Towers, she would masturbate for Subject Tellez while he watched. She stated Subject Tellez showed her his penis on more than one occasion. She related that she called him on his cell phone while she was still in custody. She stated Subject Tellez visited her at Patton State Mental Hospital one time after she was released from custody, but denied ever having sexual intercourse with Subject Tellez.

IAB Note: **Both complainants were housed in the Correctional Treatment Center. The Correctional Treatment Center houses inmates with medical and psychiatric problems. Both complainants have a criminal history and a history of severe mental illness.**

Subject Tellez told ICIB Investigators that he had unprotected sexual intercourse with Complainant [redacted] He related it was approximately a month or two after she was released from custody. He admitted to ICIB, he exchanged phone numbers with both complainants before they were released from jail. He thought Complainant [redacted] could be his because he [redacted] He denied ever showing his penis to the complainants while they were in jail. **For further refer to the statement summaries.**

The case was submitted to the District Attorney's Office, Justice System Integrity Division, (JSID), for evaluation. The case was declined for Lack of Sufficient Evidence. A copy of the Charge Evaluation Sheet is included in the IAB case book as **[Exhibit B]**. The case was assigned to Sergeant Hamil from the Internal Affairs Bureau for Investigation.

> **IAB Note: A copy of the ICIB investigation is included in the IAB case book as Exhibit A.**

STATEMENT SUMMARIES:

COMPLAINANTS:

[redacted] was interviewed on January 26, 2012, by Lieutenants Bobo and Slaughter from Twin Towers. The following is a summary of her interview. For her complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section. Complainant [redacted] refused to be interviewed by ICIB Investigators, telling them not to call her anymore.

> **IAB Note: Lieutenant Bobo summarized his interview with Complainant [redacted] in a memorandum to Captain Stover. A copy of the memo is included in [Exhibit A, pages 18-22].**

Complainant [redacted] was asked about her relationship with Subject Tellez. She related she had met the subject while she was incarcerated at Twin Towers, around September of 2010. She stated she was pregnant at the time and met him while she was housed on the fifth floor. They developed a relationship because he had approached her and asked her if she liked or dated Mexicans. The relationship developed to where he would watch her shower and he would ask her to show him her naked body.

She related he would ask her to turn around and bend over so he could look at her vagina. She felt she had no choice but to show him her body because he was the "Sheriff," and if she didn't show him her body, she did not know how he would treat her. She stated he began to show her his penis during cell checks. She stated he would unzip his pants and because he did not wear underwear, his penis would be exposed. She stated they exchanged phone numbers but they did not have sex while she was incarcerated. Complainant [redacted] stated Subject Tellez gave her special treatment by allowing her to get out of her cell first and walk down the hallway escorted by him. She stated she heard his co-workers make the comment of, "Thirty days Nick," but she did not know what that meant.

IAB Note: Subject Tellez was asked about the thirty day comment during both of his interviews. He stated it was a "common joke" amongst the deputies' assigned to the CTC. None of Subject Tellez co-workers were interviewed for the IAB case.

She stated Subject Tellez checked her background and her MySpace page while she was in custody. She said she gave him her email and password to her account. She stated Subject Tellez knew of her background and her arrests for prostitution, he also knew she was on probation.

IAB Note: Lieutenant Oguri from Data Systems Bureau stated internet history prior to October 2012, was only stored for one year. No records for 2010 are available.

Complainant [redacted] stated she was released from custody March 29, 2011, and they began their relationship approximately a week later. She related they went to a hotel in Gardena and had unprotected sexual intercourse. She stated she and Subject Tellez became "cuddy buddies," (slang for non-committed sexual intercourse), and she said that they were "fucking continually," until she told him she was pregnant. She stated their relationship was good until she told him she was pregnant and he was the father. She stated he became mad at her, and told her he was going to put her in jail, and make sure her children were taken from her. She continued to say he was upset because she wanted him to help her financially and if he didn't she was going to "Put his ass on child support." She stated she could "fuck" his whole career. She stated that Subject Tellez had agreed to give her two hundred dollars a month to help her out but he did not do it consistently. **[For further, see the verbatim transcription of the interview in the transcription section of the IAB case book.]**

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

[redacted], was interviewed on July, 20, 2012 at 1930 hours, by ICIB Captain Carey and Sergeant Castano. The following is a summary of her interview. For her complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section. The interview took place at the Los Angeles Police Department's 77th Street Station Jail. [redacted]

IAB Note: **Complainant [redacted] ICIB interview was summarized by Sergeant Castano, and a copy of his interview summary is included in the IAB case book as [Exhibit A, pages 17A-17E.]**

Complainant [redacted] said she had met Subject Tellez when she was in custody. She said Tellez had given her his phone number when she was in custody. She related that she would masturbate for him, and he would show her his erect penis. She stated he used to show her his penis while he was standing in front of her cell. She stated she could not see if he was wearing underwear, but he would unzip his pants and she could see his penis. She related he had touched her buttocks while he was handcuffing her and she felt it was in a sexual way. She stated Subject Tellez provided her with his cell phone number for the purpose of staying in touch because she got transferred from Twin Towers to Century Regional Detention Center. She stated she would call him while she was in jail and they stayed in touch when she was released from jail.

IAB Note: **Sergeant Castano checked Subject Tellez' cell phone number through the ITMS system. Subject Tellez' phone was called nineteen times, but the calls were not completed. A Copy of the ITMS printout is included in the miscellaneous section.**

Complainant [redacted] related she never saw Subject Tellez outside of custody except for one time he visited her at [redacted] She stated Subject Tellez brought her food and stayed a short time. Complainant [redacted] stated they never had sexual intercourse nor did they ever have any intimate contact other than the brushing of her buttocks during handcuffing. Complainant [redacted] also claimed to have masturbated for other deputies for food. She also claimed to have been the victim of assaults by deputies. Both claims were investigated by Sergeant Castano and were found to be unwarranted, see **[Exhibit A, page 17D]**. **[For further, see the verbatim transcription of the interview in the transcription section of the IAB case book.]**

IAB Note: **Sergeant Castano verified through the Department of Corrections that Subject Tellez visited Complainant [redacted] on January 27, 2011, at [redacted] Subject Tellez signed in using his California drivers License. A copy of the visiting log is included in the IAB case book as [Exhibit A, pages 35-36].**

IAB Note: **Both Complainants were housed together at Twin Towers for eight days in September of 2010. They were in individual cells and neither mentioned knowing each other.**

CIVILIAN WITNESSES:

[redacted] Department of Child and Family Services was interviewed by ICIB Sergeant Castano on February 28, 2012. The following is a summary of her interview. For her complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

IAB Note: **Witness [redacted] ICIB interview was summarized by Sergeant Castano, and a copy of his interview summary is included in the IAB case book as [Exhibit A, pages 5-7.] An audio copy of Witness [redacted] interview is included as [Exhibit C].**

Witness [redacted] related she is the case worker for Complainant [redacted] She stated she had attempted to reunite Complainant [redacted] with her [redacted] but Complainant [redacted] refused to participate in the court ordered parenting classes, drug testing, and mental health counseling. Witness [redacted] stated Complainant [redacted] had been removed from her custody [redacted] and the [redacted] had been placed with Complainant [redacted] She stated Complainant [redacted] made no attempts to contact her until [redacted] gave birth to the [redacted]. She stated she responded to Centinela Hospital to check on the welfare of the children because Complainant [redacted] had been deemed [redacted] Witness [redacted] stated when she arrived at the hospital, Subject Tellez was in the room with Ms. [redacted] and Complainant [redacted] Witness [redacted] said part of her responsibility is to determine parental responsibility.

Witness [redacted] stated she talked to Complainant [redacted] and [redacted] was convinced Subject Tellez was the father of her [redacted]. She told Witness [redacted] that she had met Subject Tellez while she was in custody. She explained how they exchanged phone numbers and how happy Complainant [redacted] was that the father of her [redacted] was a deputy sheriff. Witness [redacted] stated after she placed the [redacted] with Subject Tellez, Complainant [redacted] was upset. She said the decision to give custody of the [redacted] to Subject Tellez was based on the probability that he [redacted], and Complainant [redacted]'[redacted] Witness [redacted] had additional follow-up meetings with the complainant. During these meetings, Complainant [redacted] told [redacted] additional information on her relationship with Subject Tellez. She told Witness [redacted] that Subject Tellez had kissed her while she was in jail and also showed her his penis.

Witness [redacted] stated, when she called Complainant [redacted] and told her Subject Tellez was not the father of her [redacted], she asked her how she felt about making the complaint. Complainant [redacted] expressed regret by telling her she felt bad about putting Subject Tellez "Through it."

Witness [redacted] related, when she was at the hospital, Subject Tellez appeared confused. She advised him not to sign the [redacted] until he got the results of the DNA test. She stated he was prepared to sign the [redacted], but she cautioned him against doing it, based on the complainant's history of prostitution. Witness [redacted] related that Subject Tellez told her, he and the complainant had sex approximately one and a half months after she got released from jail. He described their relationship as a one night stand and a mistake. He told her, he was [redacted] and had [redacted] with his [redacted] He stated based on that, he could be the father. He told her how they met while she was in custody and exchanged phone numbers. Witness [redacted] stated she gave Subject Tellez temporary custody of the child until the DNA excluded him as the father. Subject Tellez relinquished custody of the child when the test results came back. She then placed the child with Ms. [redacted] who has custody of the complainant's other child. [**For further, see the verbatim transcription of the interview in the transcription section of the IAB case book.]**

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

SUBJECT:

Tellez, Nicholas, Deputy, #[redacted] was interviewed by ICIB Sergeants Castano and Matthews on March 19, 2012. The following is a summary of his interview. For his complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

> IAB Note: **Subject Tellez ICIB interview was summarized by Sergeant Castano, and a copy of his interview summary is included in the IAB case book as [Exhibit A, pages 9-17.] An audio copy of Subject Tellez's interview is included as [Exhibit C]. Sergeant Hamil from IAB had the interview transcribed and it is included in the transcription section.**

Subject Tellez related that he was assigned to [redacted] and [redacted] at Twin Towers. He described his duties as providing security for the Doctors and Nurses at the Forensic In-Patient floor. He described the inmates housed there as needing [redacted] or medical assistance. He stated as part of his job, he would escort the inmates to the showers as well as provide security. He told ICIB, that he would never be alone with the inmates, stating he always had a partner standby by because the inmates were "unpredictable."

He described his relationship with Complainant [redacted] as a professional one, because he was the only one who could deal with her. He described Complainant [redacted] as "very aggressive towards the deputies and medical staff." He related one incident where Complainant [redacted] was fighting with deputies and he was called to calm her down. He stated he built a good rapport with her. He stated his intent was never to build a personal relationship with her, but he was going through some hard times at home.

Subject Tellez stated he gave her his cell phone number before she was released with the intent of giving her someone to talk to if she needed help. He told ICIB he got the first call from the complainant approximately two weeks after her release. He told her, that he could not meet her because it was something "they could not do." He stated his intent was just to give her someone to talk to.

Subject Tellez stated the complainant called him constantly. He said approximately within a month or two of her calling, he agreed to meet her. They met at a bar in Inglewood and had some drinks. He stated they went back to the complainant's hotel room and had unprotected sexual intercourse. He told ICIB that it was a "one time thing."

Subject Tellez stated approximately a month to a month and half later, the complainant called him and said she was pregnant. She told him that he was the father, and she was having [redacted]. He has [redacted] and that led him to believe that he could be the father. He advised her, that he wanted a paternity test, and if the [redacted] were his, he would help her out financially. He began to give the complainant anywhere between forty to a hundred dollars every month or two.

IAB Note: Subject Tellez stated during his IAB interview, he would give cash to Complainant [redacted] when they would meet, or he would wire money through Wal-Mart, Western Union. [See page 22 of Subject Tellez IAB interview.]

Subject Tellez went to the hospital the day after the [redacted] were born. He had a private meeting with the social worker [redacted], and the complainant's [redacted] (Ms. [redacted]. During the meeting he was told by DCFS that Complainant [redacted] would not have custody of the [redacted] He stated he refused to sign the birth certificate, but took custody of the [redacted] pending the DNA test.

He stated when Complainant [redacted] heard that he was taking the child, she became very upset. She told him "I'm going to show you." Later that day he received a call from Lieutenant Bobo notifying him Complainant [redacted] had filed a complaint.

Subject Tellez denied ever making threats to the complainant, but he stated they had "heated conversations" over the pregnancy and her always asking for money. He stated she threatened him by saying she was going to expose their relationship to his [redacted] and the Sheriff's Department. He stated he rented a hotel for the complainant less than ten times. He did this because she had nowhere else to stay. He stated there was no sexual intercourse but they did kiss. He stated the complainant wanted to have sex, but he could not go "through with it."

Subject Tellez stated that Complainant [redacted] would expose her body to him in the shower at CTC. She would call out his name and she would fondle her breasts. He stated she would ask him to watch her take a shower and asked him if he liked what he saw. He said this type of behavior was common in the CTC, therefore he never felt like he should notify a supervisor.

He related that his co-workers noticed a "rapport" developing between him and [redacted], and began to tease him by calling out, "Thirty days Nick." He knew about the policy of getting involved, (fraternization), with inmates and had been briefed, "Not to do it." He stated his fellow co-workers also knew that the majority of time, he did not wear underwear and they used to joke about it. He said that is how both of the complainants must have known. He denied ever showing his penis to the complainants at work. He stated looking at the situation he should have never got involved with an inmate. He felt that Complainant [redacted] was not mentally ill at the time he got personally involved with her. He felt she had been misclassified because she was a disciplinary problem. He said he never knew she was a prostitute and was shocked when she found out. He thought she was only in jail for "joy riding." **[For further, see the verbatim transcription of the interview in the transcription section of the IAB case book.]**

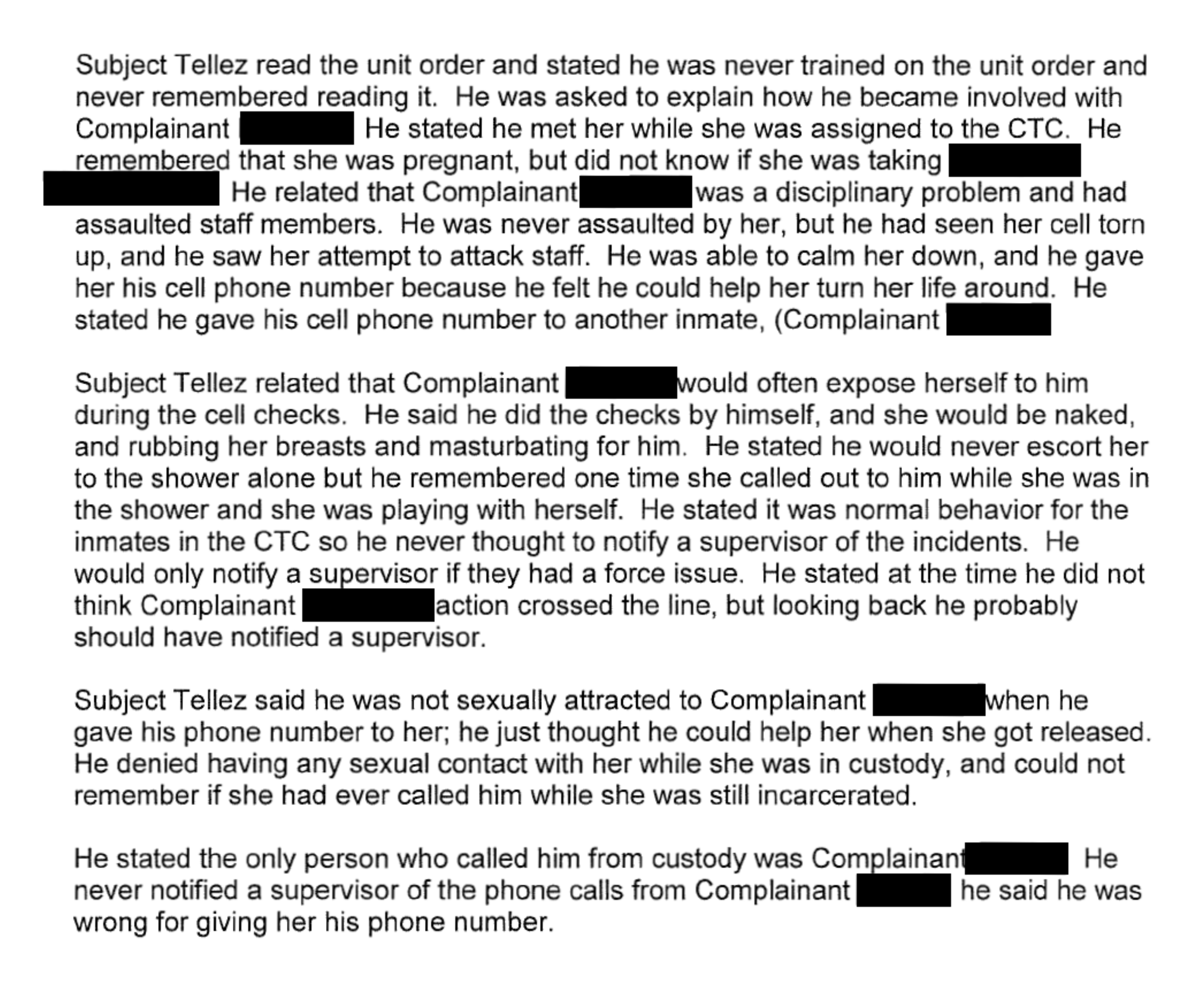
On April 15, 2013, at 1017 hours, Subject Tellez was interviewed by IAB Sergeants Hamil and Carrizosa. He was represented by Erica Gurrola from the law firm of Green and Shinee. The following is a summary of his interview. For his complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

Subject Tellez stated he had been assigned to the Correctional Treatment Center since 2002. His job was to provide security for the doctors and nurses because [redacted] He stated all the [redacted] must be screened by a [redacted] to being assigned to the CTC. He stated that both male and female inmates are assigned to the CTC. He stated on numerous occasions he would be exposed to naked female inmates, because of their [redacted]

They would strip naked and he would have to put a screen around the cell doors to prevent other inmates from seeing them. He stated he would work with all male deputies and was not aware of any policy requiring a deputy of the same sex to be present while he entered the female housing areas. He stated he was never briefed on any policy requiring him to be accompanied by a female deputy when entering a female cell or showers. He stated on occasions he would enter a female cell without another female deputy present.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

IAB Note: **IAB Investigators obtained a copy Custody Division Training, Twin Towers Unit order 3-09-301. The order states that deputies must have a same sex deputy when entering a cell, [Exhibit D.] During Subject Tellez ICIB interview he related he was never alone with the inmates, but during his IAB interview he stated he had on occasion to have been.**



Subject Tellez read the unit order and stated he was never trained on the unit order and never remembered reading it. He was asked to explain how he became involved with Complainant [redacted] He stated he met her while she was assigned to the CTC. He remembered that she was pregnant, but did not know if she was taking [redacted] He related that Complainant [redacted] was a disciplinary problem and had assaulted staff members. He was never assaulted by her, but he had seen her cell torn up, and he saw her attempt to attack staff. He was able to calm her down, and he gave her his cell phone number because he felt he could help her turn her life around. He stated he gave his cell phone number to another inmate, (Complainant [redacted]

Subject Tellez related that Complainant [redacted] would often expose herself to him during the cell checks. He said he did the checks by himself, and she would be naked, and rubbing her breasts and masturbating for him. He stated he would never escort her to the shower alone but he remembered one time she called out to him while she was in the shower and she was playing with herself. He stated it was normal behavior for the inmates in the CTC so he never thought to notify a supervisor of the incidents. He would only notify a supervisor if they had a force issue. He stated at the time he did not think Complainant [redacted] action crossed the line, but looking back he probably should have notified a supervisor.

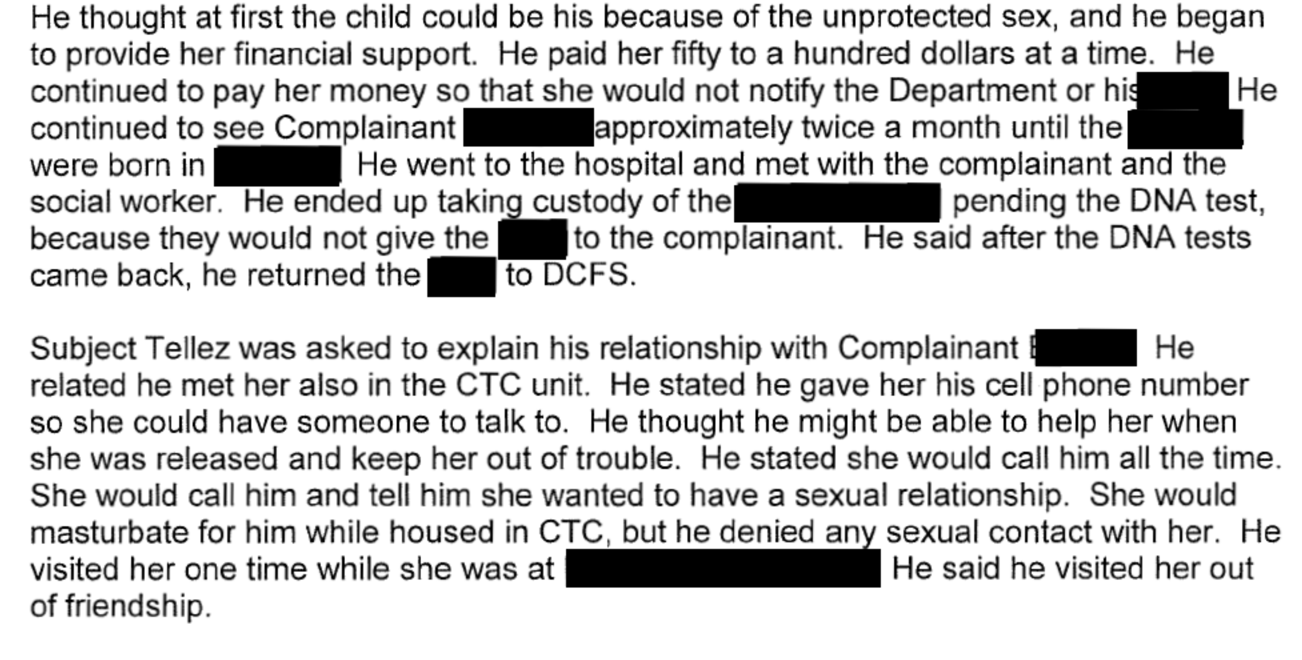
Subject Tellez said he was not sexually attracted to Complainant [redacted] when he gave his phone number to her; he just thought he could help her when she got released. He denied having any sexual contact with her while she was in custody, and could not remember if she had ever called him while she was still incarcerated.

He stated the only person who called him from custody was Complainant [redacted] He never notified a supervisor of the phone calls from Complainant [redacted] he said he was wrong for giving her his phone number.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Subject Tellez began to get phone calls from Complainant [redacted] a week or two after she was released. At first he told her they could not meet, but he finally agreed to. He did not remember how long it was after her release. He stated the first meeting was just to talk. He picked her up from her [redacted] house but could not remember on which occasion he picked her up, that the relationship became a sexual one. He stated he picked her up twenty to thirty times during their relationship. He stated the one time they had sex; he and the complainant had a few drinks at a bar in Inglewood and went to the complainant's hotel room. He stated they ended up having unprotected sexual intercourse. He said they only had sex one time, but he said they kissed on other occasions. He said the complainant wanted to have sex on other occasions, but he could not go "Through with it."

He stated he often rented the complainant hotel rooms because she had nowhere else to stay. He stated she tried to convince him to have sex on other occasions, but he did not. He stated he was not aware of her history of prostitution when he rented the hotel rooms for her. He stated this went on until July 2010 when the complainant told him she was pregnant. He stated he continued to pick up the complainant to take her to pre-natal appointments.



He thought at first the child could be his because of the unprotected sex, and he began to provide her financial support. He paid her fifty to a hundred dollars at a time. He continued to pay her money so that she would not notify the Department or his [redacted] He continued to see Complainant [redacted] approximately twice a month until the [redacted] were born in [redacted] He went to the hospital and met with the complainant and the social worker. He ended up taking custody of the [redacted] pending the DNA test, because they would not give the [redacted] to the complainant. He said after the DNA tests came back, he returned the [redacted] to DCFS.

Subject Tellez was asked to explain his relationship with Complainant [redacted] He related he met her also in the CTC unit. He stated he gave her his cell phone number so she could have someone to talk to. He thought he might be able to help her when she was released and keep her out of trouble. He stated she would call him all the time. She would call him and tell him she wanted to have a sexual relationship. She would masturbate for him while housed in CTC, but he denied any sexual contact with her. He visited her one time while she was at [redacted] He said he visited her out of friendship.

Subject Tellez denied ever showing his penis to either complainant, he stated he never masturbated, or kissed them while they were in custody. He was taught about the fraternization policy in jail operations training, and knew he needed permission from his Captain to have a relationship with a person on parole or probation.



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169





July 11, 2013

[redacted]

Deputy Nicholas Tellez, #[redacted]
[redacted]

Dear Deputy Tellez:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business August 1, 2013.

An investigation under IAB File Number 2306131, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10 Performance to Standards; and/or 3-01/050.85, Fraternization and Prohibited Associations; on or about September 2010 through February 2012, you failed to conform to work standards established for your position when you engaged in an intimate and personal relationship with an inmate, [redacted], who had been in the custody of the Sheriff's Department; which included you giving your personal cellular telephone number to the inmate while she was still in the custody of the Sheriff's Department, speaking with the inmate shortly after her release from jail, meeting with the inmate on numerous occasions including at the home of her [redacted] her [redacted] and various motel rooms, having sexual intercourse, and giving the inmate money, while believing the inmate was on parole or probation, and failing to advise your unit commander of the contacts. By your behavior, you have brought discredit upon yourself and the Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10 Performance to Standards; and/or 3-01/050.85, Fraternization and Prohibited Associations, on or about September 2010 through January 2011, you failed to conform to work standards established for your position when you engaged in a personal relationship with an inmate, [redacted] which included you giving your personal cellular telephone number to the inmate, receiving several calls from the inmate while she was in custody, and personally visiting the inmate while off-duty on or about January 27, 2011, while she was incarcerated at [redacted] and failing to advise your unit commander of the contacts. By your behavior, you have brought discredit upon yourself and the Department.

3. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders in regards to Twin Towers Correctional Facility Unit Order 3-09-301, Personnel and Inmates of Opposite Sex in Out of View areas; On or about September, 2010, you failed to conform to work standards established for your position when, on numerous occasions, you escorted female Inmates [redacted] and [redacted] alone, to shower, and failed to report to any supervisor inappropriate actions by the inmates, such as attempting to expose themselves to you and/or touching themselves in a sexual manner. By your behavior, you have brought discredit upon yourself and the Department.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief David Fender, on August 1, 2013, at 1430 hours, in his office, which is located at 450 Bauchet Street, Room E-835, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to August 1, 2013, for your oral response, please call Chief Fender's secretary at [redacted], for an appointment.

If you choose to respond in writing, please call Chief Fender's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Fender's office by no later than August 1, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Chief David Fender, Custody Services Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2306131)

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME: LASD - INTERNAL CRIMINAL AGENCY FILE NO. (DR OR URN): 912-00014-2003-441	DA CASE NO. 32695474 DA OFFICE CODE: J.S.I.D. #12-0529R	DATE 12/07/2012 VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)): TELLEZ, NICHOLAS	PC	314	03/29/2011	H & B
		PC	422	07/10/2011	B
	DOB: / SEX (M/F): M / BOOKING NO.: / VIP -- Yes X No				
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name: [redacted]	Victim DOB: [redacted]			
2	NAME (LAST, FIRST MIDDLE))				
	DOB / SEX (M/F) / BOOKING NO. / VIP -- Yes -- No				
	Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
3	NAME (LAST, FIRST MIDDLE))				
	DOB / SEX (M/F) / BOOKING NO. / VIP -- Yes -- No				
	Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			

LAST NAME: TELLEZ FIRST NAME: NICHOLAS DA CASE NUMBER: 32695474

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
SHANNON PRESBY/ap	[signature]	169735	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): ERIC CASTANO FILING OFFICER (SIGNATURE): Mailed 12/12/12 SERIAL #: [redacted]

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715) A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral DISTRICT ATTORNEY'S REASON CODES M. Probation Violation filed in lieu of N. Referred to City Attorney for Misdemeanor Consideration

DECLINATION MEMORANDUM

TO: JSID # 12-0529R

THROUGH: SERGIO GONZALEZ, Head Deputy
Justice System Integrity Division

FROM: SHANNON PRESBY, Assistant Head Deputy
Justice System Integrity Division

RE: Deputy Nicholas Tellez
LASD File # 912-00014-2003-441

DATE: December 6, 2012

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Deputy Nicholas Tellez committed an indecent exposure and made a criminal threat against [redacted] in violation of Penal Code §§ 314 and 422. For the reasons set forth below, this office declines to initiate criminal proceedings.

The following analysis is based upon reports submitted by Sergeant Eric Castano of the Los Angeles County Sheriff's Department (LASD), Internal Criminal Investigation Bureau (ICIB). The voluntary statement of Deputy Tellez was considered as part of this analysis.

FACTUAL ANALYSIS

In 2011, Deputy Nicholas Tellez was assigned to the Twin Towers Correctional Facility (TTCF). Between September 2010 and March 2011, [redacted] was an inmate in TTCF. [redacted] was released from custody on March 29, 2011. Shortly after her release, [redacted] and Tellez began a sexual relationship. [redacted] became pregnant and, in July 2011, told Tellez that he was the father. According to [redacted] Tellez threatened to have her arrested if she did not abort the pregnancy. Tellez denied threatening [redacted]

On [redacted] gave birth to [redacted][1] The next day, Tellez went to the hospital and spoke with [redacted] a social worker from the Los Angeles County Department of Children and Family Services (DCFS). [redacted] told Tellez that DCFS was not going to permit [redacted] to take custody of the [redacted] Believing that he might be the father of the [redacted] Tellez agreed to take temporary custody of the [redacted] [redacted] became upset when she discovered that Tellez had custody of the [redacted] and called Tellez accusing him of using DCFS to take away her child. According to Tellez, [redacted] told him "I'm going to show you." Later that same day,

1 [redacted]

[redacted] made her complaint to the LASD alleging that Tellez had exposed his penis to her while she was in custody and had threatened her when he found out she was pregnant.

A paternity test revealed that Tellez was not the father of [redacted] child. Tellez surrendered custody of the infant to the court on February 21, 2012.

LEGAL ANALYSIS

It is unlawful for a person to willfully threaten to commit a crime that will result in death or great bodily injury to another under circumstances that are unequivocal, unconditional and immediate and with the specific intent that the statement be taken as a threat, causing the person threatened to be in reasonable sustained fear for his safety. Penal Code § 422; California Criminal Jury Instructions (CALCRIM) No. 1300.

It is unlawful for any person, for the purpose of sexual arousal or to offend, to expose his genitals in the presence of another person who might be offended or annoyed by such exposure. Penal Code § 314; CALCRIM No. 1160.

Prosecution of a misdemeanor offense must be commenced within one year of the commission of the offense. Penal Code § 802.

CONCLUSION

[redacted] alleged that Tellez committed an indecent exposure while she was in custody, meaning some time before her March 29, 2011 release date. Prosecution of that alleged misdemeanor offense is time barred pursuant to Penal Code § 802.[2]

Further, there are significant reasons to doubt the credibility of [redacted] accusation. She did not report any misconduct until January 2012, at least 10 months after the purported indecent exposure. [redacted] delay in alleging misconduct against Tellez undercuts her credibility. In addition, [redacted] first made the allegations *after* she discovered that Tellez was [redacted] indicating that she may have done so in retaliation.

[redacted] allegation that Tellez threatened to have her arrested unless she aborted her pregnancy also lacks credibility. Her delay in reporting the alleged threat subverts the believability of her report. Further, the temporal connection between her discovering that Tellez was [redacted] with her allegations against Tellez suggests that a desire to retaliate against Tellez motivated her complaint. Tellez' agreement to take custody of the [redacted] before he knew if he was the father, undermines [redacted] claim that Tellez was hostile toward the pregnancy. In addition, [redacted] false statement to Tellez that he was the only person who could be the child's father further damages her credibility. Finally, [redacted] delay in reporting suggests that she was not in sustained fear for her safety, a necessary element of the offense.

---

[2] ICIB submitted this case for District Attorney's Office review on August 9, 2012.

For these reasons, we conclude that there is insufficient evidence to prove that Tellez violated Penal Code §§ 314 and 422. Based on the insufficiency of the evidence, we are closing our file at this time and will take no further action.